

FEDERAL ELECTION COMMISSION

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COMMISSION

2014 OCT 22 AM 9:59

IN THE MATTER OF:

OFFICE OF GENERAL  
COUNSEL

JOHN LEWIS,

MUR NO. **6884**

MONTANANS FOR LEWIS, and

HOLLY GIARRAPUTO, TREASURER

PO BOX 1916

BILLINGS, MT 59103

COMPLAINT

1. The Montana Republican Party ("MTGOP"), Box 935, Helena, MT 59624, brings this complaint before the Federal Election Commission ("FEC") seeking an immediate investigation and enforcement action against John Lewis, a candidate for Montana's Congressional seat, Montanans for Lewis, the Principal Campaign Committee of John Lewis, and Holly Giarraputo, Treasurer of Montanans for Lewis (collectively, "Lewis") for direct and serious violations of the Federal Election Campaign Act ("FECA").

Legal Framework

2. The FECA requires candidate committee reports to identify each person who made a contribution in excess of \$200. Federal Election Commission ("FEC") regulations interpret that provision to require the reports to identify each person who made a contribution in excess of \$200.
3. The FEC's interpretation of the statute, at a minimum, requires identification of persons who made contributions.
4. When making solicitations, committees and their treasurers must make "best efforts" to obtain, maintain and report the name, address, occupation and employer of each contributor who gives more than \$200 in an election cycle. In order to show that the committee has made "best efforts," solicitations must specifically request that information and inform contributors that the committee is required by law to use its best efforts to collect and report it. This request must be clear and conspicuous. 104.7(b).
5. In order to comply fully with the reporting requirements of the FECA, a committee must keep detailed records.
6. The FECA requires that records be kept for contributions and disbursements.
7. 2 U.S.C. 432(c)-(d). The treasurer of a political committee shall keep these records and copies of all reports filed for three years after the report is filed. 2 U.S.C. 432(d); 104.14(b).
8. While contributions to candidate committee are aggregated on a calendar-year basis for recordkeeping purposes, they are aggregated on a per-election basis for purposes of

monitoring contribution limits, and on an election-cycle basis for reporting purposes. See 102.9(a)(2), 104.3(a)(4), 110.1(b) and 110.2(b).

9. When a committee receives contributions through credit card charges, the date of receipt is the date on which the committee receives the contributor's signed authorization to charge the contribution. The treasurer should retain a copy of the authorization form in the committee's records. See AOs 1995-09 and 1990-04.
10. A principal campaign committee must file quarterly reports. 104.5(a). Quarterly reports cover activity through the end of the calendar quarter and are due on April 15, July 15 and October 15.
11. A committee must disclose the total for the current reporting period and the cumulative election-cycle total. In addition to reporting these totals, a committee often has to itemize receipts by providing supplemental information. 104.3(a)(3) and (4).
12. Contributions from individuals/persons other than political committees that do not meet the \$200 itemization threshold must be reported online 11(a)(ii), "Unitemized Contributions."

#### Factual allegations

13. Lewis uses ActBlue, the Democratic online fund-raising organization, to solicit contributions.
14. Nearly one-third of Lewis' third quarter report shows line itemizations that merely note that a contribution was received from ActBlue without any further contributor identification in the line itemizations.
15. This practice, in addition to be a violation of the FECA, also prohibits the public from assessing a candidate's supporters and whether an individual or entity is complying with federal campaign finance law.
16. The MTGOP and the public rely on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated disclosure reports are the only source of information they can use to determine if an individual or entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all disclosure reports required by the FECA are properly and timely filed with the FEC.

#### Discussion

17. Lewis' failure to report contributor information in a timely and accurate manner is the very same violation the FEC correctly fined the Obama campaign for in 2013. In fact, an FEC audit of Obama for America's 2008 records found the committee failed to disclose or improperly disclosed numerous contributions resulting in one of the largest fines ever imposed by the FEC. The FEC's investigation of Lewis will undoubtedly reveal the same.

#### Conclusion

18. WHEREFORE, the MTGOP requests that the FEC conduct an investigation into these allegations, declare Lewis has violated the FECA and applicable FEC regulations, impose

sanctions appropriate to these violations and take such further action as may be appropriate

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bowen Greenwood', written over a horizontal line.

Bowen Greenwood, Executive Director  
Montana Republican Party  
Box 935, Helena, MT 59624  
406.442.6469 (phone)

1004440001

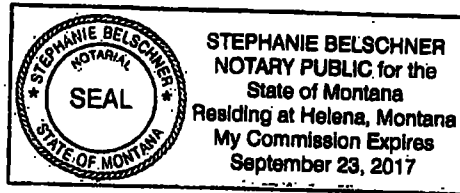
VERIFICATION

On behalf of the Montana Republican Party, Bowen Greenwood hereby verifies that the statements made in the attached Complaint are, upon information and belief, true.

Sworn

Sworn to and subscribed before me this 17th day of October, 2014.

Notary Public



*Stephanie Belschner*

160474100480



## Acknowledgment by Individual

State of

Montana

County of

Lewis & Clark

On this 17th day of

October

, 20

14

before me,

Stephanie Belschner

Name of Notary Public

the undersigned Notary Public, personally appeared

Bowen Greenwood

Name of Signer(s)

☐ Proved to me on the oath of \_\_\_\_\_

☐ Personally known to me

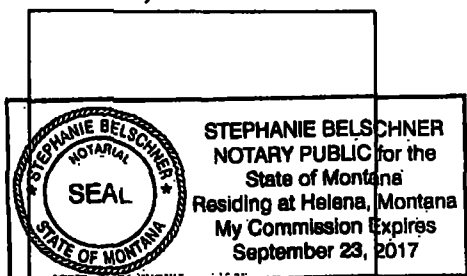
☒ Proved to me on the basis of satisfactory evidence

Montana Driver's License

(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Notary Seal

Stephanie Belschner

(Signature of Notary Public)

My commission expires

September 23, 2017

### Description of Attached Document

Type or Title of Document

Federal Election Commission

Document Date

Number of Pages

3

Signer(s) Other Than Named Above

Optional: A thumbprint is only needed if state statutes require a thumbprint.

Right Thumbprint of Signer

Top of thumb here

Scanner Enabled Stores should scan this form  
Manual Submission Route to Deposit Operations

DSG5350 (Rev00-07/14)



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